

MOTION BY SUPERVISOR GLORIA MOLINA

June 25, 2013

SUBSTITUTE MOTION

In April 2013, the California Department of Toxic Substance Control (DTSC) suspended operations and announced a shutdown of Exide Technologies (Exide), a lead acid battery recycling plant located in Vernon, because it posed “imminent and substantial endangerment to public health, worker safety and the environment” by exposing over 110,000 people in the surrounding communities to arsenic emissions and the continuous release of metals, contaminants and other hazardous waste into the environment from a deteriorating pipeline.

The DTSC based its decision in part on a health risk assessment submitted by Exide to the South Coast Air Quality Management District (SCAQMD) which the District approved in March, showing that stacks on the facility were emitting high levels of arsenic. This is not the first time that Exide’s operations have been cited or restricted. The SCAQMD has issued numerous notices of violations and assessed fines against Exide between 2007 and 2012 for, among others, violating the Lead National Ambient Air Quality Standard. The Vernon plant is the only hazardous facility in the state that

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does not yet have a permit required by the landmark 1976 Resource Conservation and Recovery Act—intended to ensure the safe treatment, storage and disposal of hazardous waste.

Under the State of California's "Toxic Hot Spot" Law AB2588, the public must be warned when the increased probability of contracting cancer from a facility reaches 10 in a million. For workers near the facility, Exide's own health risk assessment shows an increased cancer risk of 156 in a million—for residents as far away as Boyle Heights, the increased cancer risk is 22 per million. Tragically, within the facility itself, the cancer risk is as high as 440 per million.

According to the AQMD, Exide has posed a higher cancer risk to more people than any of the more than 450 facilities which the agency has regulated in Southern California in the last 25 years.

In June, Exide petitioned the Superior Court claiming irreparable harm to its business and employees. It secured a temporary restraining order allowing it to reopen and begin operating. Exide now expects to return to full operating capacity by July 2, 2013. Exide has a long history of leaving communities throughout the nation struggling with contamination. Exide plants have closed in communities such as Visalia, California; Frisco, Texas; and Laureldale, Pennsylvania following regulatory and community concerns about health risks. Exide's continued failure to properly address their extensive history of air pollution and hazardous waste violations will have a devastating impact on our County residents, which will significantly increase the incidents of cancer and related health problems in our communities.

I, THEREFORE, MOVE that this Board direct the Office of County Counsel to prepare a confidential report to this Board no later than June 28, 2013 that identifies all legal and administrative options available to the County for preventing the continued exposure of County residents to the toxic emissions resulting from the operation of the Exide Technologies plant in Vernon. Such an analysis should also consider the potential of joining or supporting existing legal or administrative action begun or contemplated by State or local governmental entities.

I FURTHER MOVE that this Board direct the Department of Community and Senior Services to provide additional rapid response assistance for employees impacted by Exide Technologies' temporary closure. These services may include case management, job training and other critical support.

MJ/MO/jp